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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer *et al.*

Examiner: Stroup, C.

Serial No.: 09/314,540

Art Unit: 1633

Filed: May 19, 1999

For: *Modification of Surfaces Using Biological Recognition Agents*

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

DECLARATION UNDER 37 C.F.R. §1.132

I, Scott M. Cannizzaro, hereby declare and state that:

1. I am a co-inventor of the subject matter contained in United States Patent Application Serial Number 09/314,540, filed on May 19, 1999 (the '540 application). At the time the application was filed I was an employee of Arthur D. Little, Inc., however prior to my position at Arthur D. Little, Inc., I was a Postdoctoral Fellow at the Massachusetts Institute of Technology in Professor Robert Langer's laboratory.
2. The purpose of the present Declaration is to clarify that any subject matter corresponding to the claimed invention that is described in the reference Patel *et al.* FASEB J. (1998) 12: 1447-1454 is the work of the three inventors named in the above-referenced application.
3. It is my assertion that I, Scott M. Cannizzaro, along with the other inventors Robert Langer, and Kevin Shakesheff, originated and conceived of the material that is disclosed in reference cited above that corresponds to the claimed subject material in the above-referenced application. Specifically, I believe that we are the true inventors of the subject material relating to the development and general use of novel polymer materials having anchors incorporated therein, and novel biomaterials formulated from said polymers which have ligands attached

MIT0335-

thereto through biological recognition events.

4. In further support of this assertion, a published PCT application (WO 99/36107) is being provided herewith which describes the work of applicants as described above, and also describes a more specific patterning embodiment. In that application each of the three inventors is named as well as an additional inventor Nikin Patel, who, Applicants assert, is only an inventor of the specific patterning embodiment described in that published PCT. It is specifically noted that the other authors on the FASEB paper are not listed as inventors in this published PCT application, which further provides support for Applicants assertion that the work of that paper which relates to the material that is claimed in the present invention is derived only from the Applicants Scott M. Cannizzaro, Robert Langer and Kevin Shakesheff.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Scott M. Cannizzaro, Ph.D.

Date: Sept. 29, 2000